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EXAMINER	
PAPPAS, PETER	
ART UNIT	**PAPER NUMBER**
2628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/078,372	KRAFT ET AL.	
	Examiner	Art Unit	
	Peter-Anthony Pappas	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter ("..computer-readable medium having computer-executable instructions...") which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention (p. 4, lines 17-23; p. 5, lines 9-19; Fig. 2).

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In regard to claim 1 said claim discloses: "...generating an animation...by editing at least one image...; and successively displaying said sequence of images...; and wherein the generating of the animation by editing...and successively displaying of said sequence of images...alters display resolution of the animation..."

The process of generating said animation is considered unclear because the generation of said animation is first disclosed as being defined by editing at least one

image (lines 2-6) and then later said previously defined generation and not some generation of a new animation is disclosed as being defined by editing at least one image and successively displaying of said sequence of images (lines 9-11). It is unclear to the Examiner what exactly constitutes the generation of said animation. Is an animation generated by editing at least one image or is an animation generated by both editing at least one image and successively displaying of said sequence of images? Furthermore, how can one image, whether it is edited or not, constitute an animation?

The process of altering a display resolution of said animation is considered unclear because said alteration is disclosed as the result of generating said animation. It is unclear to the Examiner how the generation (e.g., the creation) of an animation can alter (i.e., adjust) a property (e.g., the resolution) of said animation as said property would not exist prior to said generation unless said respective claim language is referring to a separate animation.

If it is the position of the Applicant that the process of altering a display resolution of said animation is a function of the: editing of a respective image of said animation by adding movement or adding text; or by successively displaying said sequence of images it is noted that said position is considered unclear because it is not evident how the addition of movement to an image of said animation, addition of text to an image of said animation or the successive display of said sequence of images would constitute a resolution change of said animation.

It is believed that the Applicant may have intended to claim: generating an animation by editing at least one image of a sequence of stored images and then

successively displaying a sequence of images, wherein said displayed sequence of images includes image information from said sequence of stored images and any edited image information; wherein the editing of at least one of said images defines a display resolution that is assigned to each image of said displayed sequence of images (claims 5 and 6; specification – p. 1, lines 19-20, 28-31; p. 2, lines 1-2; p. 3, lines 5-8). Alternatively, it is believed the Applicant may have intended to claim: generating a plurality of animations, wherein a first animation is generated by displaying a sequence of stored images; editing at least one of said images of said first animation after the generation of said first animation, wherein the result of said editing defines a display resolution; generating a new animation based on said new display resolution, wherein the respective images of said new animation have said new display resolution; and discarding said first generated animation.

6. In regard to claim 8 said claim discloses: "...said processor is adapted to generate an animation by displaying a sequence of images...; a mechanism for generating the animation...including a mechanism for editing at least one of the images...; a mechanism for successively displaying said sequence of images...; and wherein the generation of the animation by editing of the at least one of the images and successively displaying of said sequence of images....alters display resolution the animation generated..."

The process of generating said animation is considered unclear because first a processor (mechanism?) to generate an animation by displaying a sequence of images is disclosed and then later it is disclosed that the generation of the animation is defined

as the editing of the at least one of the images and successively displaying of said sequence of images. It is unclear to the Examiner what exactly constitutes the generation of said animation. Is an animation generated by editing at least one image or is an animation generated by both editing at least one image and successively displaying of said sequence of images? Furthermore, how can one image, whether it is edited or not, constitute an animation?

The process of altering a display resolution of said animation is considered unclear because said alteration is disclosed as the result of generating said animation. It is unclear to the Examiner how the generation (e.g., the creation) of an animation can alter a property (e.g., the resolution) of said animation as said property would not exist prior to said generation unless said respective claim language is referring to a different animation.

It is believed that the Applicant may have intended to claim: generating an animation by editing at least one image of a sequence of stored images and then successively displaying a sequence of images, wherein said displayed sequence of images includes image information from said sequence of stored images and any edited image information; wherein the editing of at least one of said images defines a display resolution that is assigned to each image of said displayed sequence of images (claims 5 and 6; specification – p. 1, lines 19-20, 28-31; p. 2, lines 1-2; p. 3, lines 5-8). Alternatively, it is believed the Applicant may have intended to claim: generating a plurality of animations, wherein a first animation is generated by displaying a sequence of stored images; editing at least one of said images of said first animation after the

generation of said first animation, wherein the result of said editing defines a display resolution; generating a new animation based on said new display resolution, wherein the respective images of said new animation have said new display resolution; and discarding said first generated animation.

7. In regard to claim 17 said claim discloses: "...the generating of the animation by editing of the at least one of the images and successively displaying of said sequence of images...alters display resolution of the animation..." The process of altering a display resolution of said animation is considered unclear because said alteration is disclosed as the result of generating said animation. It is unclear to the Examiner how the generation (e.g., the creation) of an animation can alter a property (e.g., the resolution) of said animation as said property would not exist prior to said generation unless said respective claim language is referring to a different animation.

It is believed that the Applicant may have intended to claim: generating an animation by editing at least one image of a sequence of stored images and then successively displaying a sequence of images, wherein said displayed sequence of images includes image information from said sequence of stored images and any edited image information; wherein the editing of at least one of said images defines a display resolution that is assigned to each image of said displayed sequence of images (claims 5 and 6; specification – p. 1, lines 19-20, 28-31; p. 2, lines 1-2; p. 3, lines 5-8).

8. In regard to claim 17 the rationale disclosed in the rejection of claim 1 is incorporated herein.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is noted that the specification fails to disclose "computer-readable medium" or language which clearly defines said "computer-readable medium" and thus "computer-readable medium" as disclosed in said respective claim is considered to read on including a carrier wave.

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101. First, a claimed signal is clearly not a "process" under § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents § 1.02 (1994). The three product classes have traditionally required physical structure or material.

Claim Objections

11. Claims 1,8,17 and 19 are objected to because of the following informalities: "...and successively displaying of said sequence..." (lines 10, 12, 18 and 12-13 –

respectively) should read "... and successive displaying of said sequence ..."

Appropriate correction is required.

Response to Arguments

12. Applicant's arguments with respect to cited prior art of record have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter-Anthony Pappas whose telephone number is 571-272-7646. The examiner can normally be reached on M-F 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peter-Anthony Pappas

Examiner
Art Unit 2628

PP